

SCHOOL OF LAW
UNIVERSITY OF HAWAII

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UNIVERSITY OF HAWAII AT MANOA

WILLIAM S. RICHARDSON SCHOOL OF LAW

STUDENT HANDBOOK - SPRING 1985

RESPONSIBILITIES OF FACULTY & STUDENTS

STUDENT CONDUCT CODE

ACADEMIC PROCEDURES & REGULATIONS

University of Hawaii at Manoa

Office of the Chancellor
Hawaii Hall 105 • 2500 Campus Road

SCHOOL OF LAW
UNIVERSITY OF HAWAII

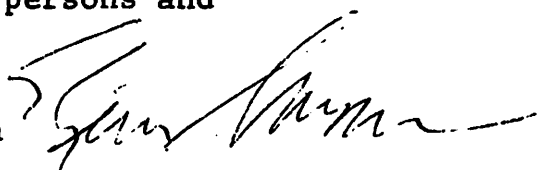
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MEMORANDUM

Manoa Business Memorandum No. 80-1

February 26, 1980

TO: Deans, Directors, Department Chairpersons and
Administrative Officers

FROM: Keith S. Snyder
Vice Chancellor for Administration 

RE: Transmittal of Revised Manoa Business Instruction M-4527 -
A Statement on Responsibilities of Faculty and Students,
Including Academic Grievance Procedures for Students, UHM

The new instruction, referenced above, is being sent to you for appropriate attention.

Please remove and destroy all copies of old Manoa Instruction M-4527 and insert this revision in its place.

Distribution should be made to your departments and fiscal officers as may be appropriate to the locations of your copies of these Manoa Instructions as well as to your internal methods of operation.

Enc.

M-4527 A Statement on Responsibilities of Faculty and Students and
Academic Grievance Procedures for Students, University of
Hawaii, Manoa Campus

These policies and procedures are established by the Chancellor of the Manoa Campus with the concurrence of the Faculty Senate, the Associated Students, and the Graduate Student Organization to provide consistent and equitable treatment for faculty and students of UH-Manoa in resolving issues arising from the academic relationship between individual faculty and individual students. Their applicability is limited to those issues directly associated and concomitant with the faculty member's responsibilities as a teacher and the student's responsibilities as a learner.

Should a college or school have its own grievance procedures, the student nevertheless retains the rights and responsibilities in this document, and, if the student is not satisfied after exhausting the college or school procedures, he/she retains the right to appeal to the Academic Grievance Committee (AGC) of UH-Manoa.

Definitions

Student - Any individual enrolled in credit courses at UH-Manoa.

Undergraduate Student - Any student who has not yet received a baccalaureate degree.

Graduate Student - Any student who has received a baccalaureate degree.

Faculty Member - Any individual engaged in research and/or instruction for credit at UH-Manoa.

Department Chairperson - The individual designated as administrative head of any department or University unit offering instruction for credit.

Remedy - An action to correct an individual student's situation without imposing a sanction on a faculty member.

Semester - Any scheduled term of instruction including Continuing Education and Summer Session.

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I. Responsibilities of Faculty

- A. To permit students who act in accordance with the responsibilities indicated in Responsibilities of Students (Section II) to complete any course in which they are enrolled.
- B. To ensure that the course offered is in basic accord with the latest course description available to students prior to registration.
- C. To provide students at the beginning of the semester/session with an explanation of the course objectives, general grading policy, attendance policy (see II, B), and the manner in which the course will be conducted.
- D. To retain student papers, tests, and examinations through the ensuing semester unless returned to the students. Summer session papers should be retained through the Fall semester.
- E. To provide regular class instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with other stipulates of the University calendar and examination schedule.
- F. To provide students at appropriate times during the semester with fair and objective evaluations of their work and progress in the course. This does not apply to courses in which no work is presented for evaluation during the semester.
- G. To provide students equitable and unbiased treatment.
- H. To allow students to question and discuss the opinions, written materials, and other data considered part of the course content.
- I. To maintain reasonable office hours during the course of the regular semester mutually convenient to students and faculty.
- J. To adhere to the policies of the Faculty Senate as adopted in December, 1975, along with any amendments thereto, concerning author's recognition of contributions to their work by students and others.
- K. To refrain from any interference with the academic grievance procedures, or from any punitive action against a student because the student filed a grievance.

II. Responsibilities of Students

The AGC's decision on whether or not to hear a grievance will depend in part on the student-grievant having fulfilled the following responsibilities:

- A. To exhibit classroom behavior which does not infringe on other students' right to learn.
- B. To attend classes and laboratory sessions as required by the instructor, recognizing that absences may adversely affect the final grade.
- C. To fulfill course assignments and requirements as described by the instructor, recognizing that unfulfilled assignments and requirements may adversely affect the final grade.
- D. To abide by student and academic regulations as published by UH-Manoa.
- E. To follow official procedures in pursuing redress of a grievance.
- F. To refrain from frivolous grievances.

III. Procedures for Resolution of Academic Grievances

If a student has fulfilled his/her responsibilities and believes that a faculty member has failed to meet any of the responsibilities stated in Section I of this document, or has acted arbitrarily and/or capriciously in any other area of the academic relationship, the student may initiate action to achieve remedy. The action(s) available is outlined below and must be initiated no later than the end of the semester following the one in which the alleged grievance occurred. Since the AGC will not be sitting during Summer Sessions, any grievance deriving from Spring semester or either Summer Session will be heard during the subsequent Fall semester.

- A. Step 1 - The student shall try to resolve the problem with the faculty member involved.
- B. Step 2 - Failing to resolve the problem at Step 1, the student shall prepare an appeal in writing indicating:
(1) the facts as the student perceives them, citing specific violations where possible; (2) the remedy sought; (3) the faculty member's response, if any, to the consultations of Step 1. This appeal is presented to the Department Chairperson of the faculty member, with a copy for the faculty member, and must be filed within 14 calendar days of the

time when the decision reached in Step 1 is made known to the student. For the purpose of this Statement, where there are no departments, the School or College shall be considered the department, and the Dean of the School or College shall assume the responsibilities of a department chairperson.

The Chairperson shall meet separately with the student and the faculty member, or, if both parties agree, jointly, to discuss the grievance. Within 14 calendar days of receipt of the written appeal, the Chairperson shall complete any consultation and shall notify in writing the student and faculty member of his/her conclusion(s) and recommendation(s).

- C. Step 3 - Failing to achieve a satisfactory solution at Step 2, the student may file an appeal in writing with the Chairperson of AGC. Such filing must be done within 14 calendar days after the student has been notified of the conclusion(s) reached and any action(s) taken at Step 2. The student shall provide as part of the appeal complete copies of all materials associated with Steps 1 and 2 and shall notify the Chairperson of AGC of the names of other custodians or relevant material which the student does not possess. It is the responsibility of the Chairperson of AGC to insure that all notifications required under Section IV, B, are accomplished.

IV. The Academic Grievance Committee

- A. Composition of AGC and Its Hearing Committee. The AGC shall have ten (10) members: a Chairperson, three (3) undergraduate students, three (3) graduate students, and three (3) faculty members. For hearings, the Committee shall consist of the Chairperson, the three faculty members, and the three undergraduate students when the grievant is an undergraduate student, or the three graduate students when the grievant is a graduate student.

Five (5) members of the AGC shall constitute a quorum for a hearing.

The Chancellor shall appoint: (1) the Chairperson from the faculty, (2) three undergraduate students nominated by ASUH, (3) three graduate students nominated by GSO, and (4) three faculty nominated by the Faculty Senate, at least two of whom shall be members of the graduate faculty. The ASUH, GSO, and the Faculty Senate shall each nominate three additional representatives who shall be appointed alternates by the Chancellor.

All members shall serve for one academic year with terms beginning September 1 and ending on May 15. Members may be reappointed for additional terms.

B. Responsibilities and Procedures of AGC

1. Pre-hearing Procedures

a. Upon receipt of an appeal the Chairperson of AGC shall:

- 1) transmit the appeal to AGC for discretionary review and recommendation;
- 2) notify in writing the grievant, the faculty member, and his/her departmental Chairperson of its action on the appeal;

N.B. THE PRESENTATION OF AN APPEAL IS A REQUEST BY THE GRIEVANT FOR A HEARING. HOWEVER, SHOULD AGC DECIDE, ON THE BASIS OF ALL MATERIAL BEFORE IT, THAT NO REASONABLE CASE EXISTS, IT HAS THE RIGHT TO REFUSE THE HEARING REQUEST. COMPLETION OF STEPS 1 AND 2 DOES NOT AUTOMATICALLY LEAD TO A FULL HEARING.

- 3) upon acceptance of the appeal convene a hearing of the AGC within 14 calendar days;
- 4) waive any and all specified time deadlines for a specific period when there is evidence that a good-faith effort to meet the deadline has been made;
- 5) determine if any prospective members of the hearing committee have a conflict of interest in the particular case and, should such determination be made, exclude them as members for the hearing.

b. Upon scheduling a hearing the Chairperson of AGC shall:

- 1) give written notice of the hearing, at least seven calendar days prior to the hearing, to the student, the faculty member, and the appropriate departmental Chairperson;
- 2) inform all parties of the date, time, and place of the hearing;
- 3) distribute to all parties copies of Manoa Business Memorandum No. 13, M-4527.

2. Hearing Procedures

The AGC shall adopt guidelines for the conduct of the hearings which shall include but not be limited to the following:

- a. The student and/or faculty member may have an advisor present provided that notice of such intent and the name of the advisor are given to the AGC Chairperson seven calendar days prior to the hearing. The other party to the appeal shall be notified by the Chairperson of such notice and may, without notice, have an advisor present.
- b. The hearing shall be open unless the student or faculty member requests, in writing, a closed hearing. This request must be made at least 24 hours prior to the hearing. In the event of a closed hearing, the Chairperson of AGC shall determine which individuals shall be allowed entry, and he/she shall take all measures necessary to assure security.
- c. The Chairperson of AGC shall give notice that the burden of proof rests upon the grievant.
- d. The Chairperson of AGC shall be responsible for recording the hearing, maintaining order, and shall have the authority to rule on points of order and to exclude immaterial and/or unduly repetitious evidence.
- e. The student and faculty member shall be provided the opportunity to present evidence and arguments on all issues involved.
- f. Oral and documentary evidence may be introduced.
- g. The student and faculty member shall have the right to question witnesses and submit rebuttal testimony.
- h. Neither the student nor the faculty member shall be compelled to testify, but should either or both choose to do so, they shall be subject to questioning on their testimony.
- i. All members of the hearing committee may question witnesses.
- j. The hearing committee may secure testimony from witnesses other than those presented by the student or faculty member. The committee may also secure documents relevant to the issue which were not

introduced at any previous step, or introduced in the hearing by the student or faculty member. Confidential documents may be secured only with the consent of appropriate parties.

- k. The hearing will be held as scheduled in the absence of the faculty member alleged to have committed the grievance, unless such absence is for good and sufficient cause. The decision of AGC as to good and sufficient cause is final within the University.
- l. Should the student grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of AGC as to good and sufficient cause is final within the University.
- m. The deliberations of the hearing committee after receipt of all testimony shall be closed.
- n. After the hearing committee has made its findings and reached a decision, the Chairperson of AGC shall inform the student and faculty member of the findings and decision, in writing, within seven working days. A copy shall be sent to the faculty member's department chairperson.

3. Records of the Academic Grievance Hearing

- a. The Chairperson of the AGC shall maintain a log of the hearings. The log shall include a brief notation as to the subject matter of the dispute but no personally identifiable information. This log shall be open to inspection at the Office of the Dean of Students of UH-Manoa.
- b. Other records to be maintained by AGC shall include but need not be limited to the following and shall not be open to inspection except by the interested parties: all pleadings, motions and rulings, all evidence, including oral testimony, the report of AGC, and tape recording of the hearing. This material will be filed in the Office of the Dean of Students of UH-Manoa. Copies of any tapes will not be made unless requested and paid for by the student and/or faculty member concerned.

V. Authority of the Academic Grievance Committee

- A. The findings and decisions of the AGC shall be final within UH-Manoa.

- B. The AGC shall have the authority to direct the execution of remedies.

VI. Reports of the Academic Grievance Committee

The Chairperson of the AGC shall submit a report of the activities of the AGC, in summary form, by May 1 each year to the Chancellor, the Chairperson of the Faculty Senate, and to the Presidents of ASUH and GSO.

VII. Redress Beyond the University

Nothing in this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, University of Hawaii, Manoa Campus, shall preclude either the student or the faculty member from seeking redress through a court of competent jurisdiction after exhausting the above procedures.

VIII. Severability

If any provision of this Statement on Responsibilities of Faculty and Students and Academic Grievance for Students, University of Hawaii, Manoa Campus, is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

University of Hawaii at Manoa

Office of the Chancellor
Hawaii Hall 103 • 2500 Campus Road

SCHOOL OF LAW
UNIVERSITY OF HAWAII

AUG 14 8 39 AM '84

MEMORANDUM

October 27, 1983

TO: Deans, Directors and Department Chairmen
University of Hawaii at Manoa

SUBJECT: Student Conduct Code

Transmitted herewith is a new, system-wide student conduct code.

Note the caveat in Vice President Simone's covering memorandum with regard to the possible imposition of more stringent standards of conduct by certain programs whenever appropriate.

This new code will take effect with the beginning of the Spring semester.

for *M.C. Contore*
Marvin J. Anderson
Chancellor

Attach.

bts

UNIVERSITY OF HAWAII

Office of the Vice-President for Academic Affairs

83 1111 12 22 34

October 7, 1983

To: _____ Date: _____
From: _____
Check File and Forward Findings: _____
Direct Reply: _____
Respond Directly: _____ Advise: _____
X _____

MEMORANDUM

To: Chancellors

From: Albert J. Simone *ajs*

Subject: University of Hawaii Student Conduct Code

Student discipline problems are only a sporadic feature of campus life yet their occurrence typically consumes an inordinate amount of time and energy on the part of campus administrators. The troublesome nature of student conduct violations is in part attributable to a lack of precision and clarity with respect to the definition of conduct infractions, the role of key campus administrators, and the nature of the hearing procedures themselves.

Over the past decade, a variety of court decisions and legal opinions have helped to define requirements for the administration of disciplinary codes by educational institutions. Courts have ruled that colleges and universities must provide due process protections and hearings to students charged with serious disciplinary infractions. Additionally, the State Attorney General's Office has advised the University that campus disciplinary procedures must comport with the requirements for administrative hearings as set forth under the State of Hawaii Administrative Procedures Act (APA).

The development of student conduct codes was authorized by the Board of Regents in their "Statement on Rights and Responsibilities of the University of Hawaii Community" adopted on June 4, 1971. In a subsequent action on May 5, 1979, the Board delegated to the President the authority to approve student conduct codes developed by University campuses. As campuses submitted conduct codes for approval, it became apparent that not only was there a lack of consistency in the definitions of prohibited behavior but campus hearing procedures often did not comport with APA requirements. Given the fact that all University campuses could be expected to proscribe similar behavior and that disciplinary procedures were required to comport with APA requirements it was decided that this office would assume the lead role in developing a systemwide student conduct code.

October 7, 1983

The resulting student conduct code was developed after extensive consultation with the Attorney General's Office and campus administrators. Additionally, student governance organizations and faculty have been afforded the opportunity to comment on earlier drafts. As you will recall, the University Administrative Council approved the final form of this code at its meeting of August 12, 1983. Consequently, in accordance with the President's authority in this matter, this code is now approved for use on all campuses of the University.

I would like to remind you that this new code recognizes the fact that certain academic and professional programs require students to abide by more stringent conduct requirements that may include a student's off-campus behavior. Such requirements reflect professional standards which are understood to be an integral part of the student's course of study. Violations of these standards may be viewed as an academic matter, subject to the authority of the program faculty, rather than a conduct matter under this code. Students alleged to have violated such standards must be afforded a hearing process that is consistent with the procedural requirements contained in this code. No program may require students to abide by standards of conduct not otherwise specified in this code without the approval of the Chancellor. In addition, the Chancellor must approve any hearing procedure developed to adjudicate such cases.

Will you please see to it that the code for each campus under your jurisdiction is made available to all appropriate offices charged with administering student disciplinary procedures or providing complete information about them. The Director of Student Services is the key administrator on each campus with the responsibility for handling student conduct matters. Attempts should also be made to inform faculty members about those provisions of the code that deal with academic dishonesty. In addition, general statements about student conduct violations that normally appear in catalogs and other printed media should be reviewed for conformance with this code.

Each campus may decide the precise date upon which the new code shall be utilized but in no case shall its implementation be any later than the 1984 spring semester. Obviously, the new code should not be used in the adjudication of ongoing conduct cases which were initiated pursuant to existing conduct codes.

To assist campuses in implementing the new code this office, in conjunction with the Attorney General's Office, will conduct a workshop for all Directors of Student Services in the next few weeks. Details of this meeting will be forthcoming as soon as the necessary arrangements are completed.

In the interim, if you should have any questions, please do not hesitate to contact David Robb at 948-6415.

cc: President Matsuda
Vice President Masumoto

STUDENT CONDUCT CODE

Approved October 7, 1983

I. INTRODUCTION

The purpose of the University of Hawaii is to pursue knowledge through teaching, learning and research in an atmosphere of physical and intellectual freedom. In order to fulfill this purpose, members of the academic community on all campuses engage in teaching, learning, research and service and assist one another in the creation and maintenance of an environment that supports these activities.

Members of the academic community may not violate the rights of one another nor disrupt the basic activities of the University. Students who are disruptive are subject to a variety of academically related penalties that may include reprimand and probation, restitution, suspension for a definite period of time, or expulsion.

Members of the academic community have the same privileges and responsibilities with respect to the law as do members of our society. In addition, they must also adhere to the University's special interests that are reflected in its policies and regulations and are addressed herein. These special interests are embodied in the unique purpose of the University, and are essential for its institutional well-being and day-to-day functioning.

Therefore, in accordance with the "Statement on Rights and Responsibilities of the University of Hawaii Community" adopted by the Board of Regents on June 4, 1971, the following student conduct code and hearing procedures are adopted by University of Hawaii at Manoa.

II. CATEGORIES OF IMPERMISSIBLE BEHAVIOR

The following categories and specific examples of impermissible behavior are subject to disciplinary sanctions because they conflict with the fundamental purposes and special interests of the University and its constituent campuses. While these impermissible behaviors are described as clearly as possible it should be recognized that any determination as to whether a given act constitutes a violation of the University's special interests will necessarily involve the institution applying some degree of judgment to the facts and circumstances as they are presented.

Category 1 — Interference with the Rights of Others

A student may not behave towards another member of the University community even in the name of conviction or under a claim of academic freedom, in a manner that denies or interferes with another member's expression of conviction, academic freedom, or performance of legitimate duties or functions.

A. Interference with Freedom of Speech and the Right to Peaceful Assembly

Freedom of speech and the right to peaceful assembly are possible only in an orderly environment in which individuals are not endangered by force or violence and are free from coercion and interference. Consequently, in the case of demonstrations, behavioral restrictions are considered necessary to preserve both the orderly functioning of the campus and the right of freedom of speech.

1. Demonstrations which rely on coercion and advocate the use of force

Demonstrations which coerce individuals, present a hazard to the safety of any person, or threaten the destruction of property are not permitted. Similarly, authorized speakers and approved public demonstrations may not be disrupted by hostile audiences or speakers.

2. Interference with campus operations

Conduct which disrupts the holding of classes, the carrying out of university business, the holding of campus events, or any other normal functioning of the University including the discharge of responsibility by any university officer, employee or student is not permitted. Demonstrators may not physically obstruct access to University facilities nor may they engage in obstructive noise.

3. Non-compliance with campus behavioral restrictions on demonstrations

Persons engaging in disruptive behavior or in demonstrations which coerce individuals or advocate the use of force will be requested to cease by University authorities. In the event the alleged disruptive behavior or demonstration does not end within a reasonable length of time, temporary sanctions, as described in this code may be imposed by the Chancellor or his/her designee. If the use of discussion methods of temporary sanctions are not effective in ending the disruption or demonstration, or when alleged violators are not members of the University community, or when the gravity of the situation requires it, the Chancellor or his/her designee may resort to calling in law-enforcement authorities.

Category 2 — Interference with University Processes

Impermissible behavior, as described in this category, includes that which directly or indirectly interferes with or disrupts the processes of teaching, learning, research and administration or those processes or conditions furthering or facilitating these activities.

A. False or Fraudulent Information

1. Furnishing false information or academic credentials with the intent to deceive or mislead when applying for admission to any campus of the University or for any of its programs and services.
2. Forging, altering, misrepresenting or misusing any University or campus document, record, or identification.
3. Failing to provide required and legally appropriate information to University officials.
4. Misrepresenting facts in connection with any request for any University programs or services or for an exception to any official campus policy or regulation.
5. Assisting anyone in the commission of any acts in this section.

B. Personal Misconduct

1. Harassing, physically threatening or physically abusing any person on any campus of the University or at any University sponsored function or event or conducting oneself in a manner endangering any person's health or safety.
2. Theft of or willful damage to any property of the University or of any person on the campus.
3. The unauthorized occupation, use of, or entry into any University facility, including both indoor and outdoor facilities.
4. Possessing, producing, manufacturing or having manufactured any key or unlocking device for use on University facilities or locks, without proper authorization.
5. Use or possession on campus or at campus events of bombs, explosives, incendiary devices, or fireworks.
6. Setting any fire on University property.
7. Turning in a false bomb alarm or fire alarm or misusing fire safety equipment.
8. Possessing or selling lethal weapons, including but not limited to firearms, ammunition, and spearguns, on University owned or controlled property except as expressly authorized by written permission.

9. Intentionally obstructing or delaying a police officer, fire fighter, security officer, or University official in the performance of his/her duty.
10. Being contemptuous or disorderly at any hearing of a campus judicial or review board.

C. Theft or Mutilation of University Property

1. Possessing or having under one's control any materials or property belonging to the University without proper authorization.
2. Mutilating or vandalizing University property.

D. Disruption

1. Creating noise or other disturbances on campus or in student life areas including but not limited to Campus Center Buildings sufficient to disrupt the normal functioning of campus activities including classroom instruction.

E. Abuse of Controlled Substances

1. Intoxicants: The purchase, possession or consumption of alcoholic beverages is regulated by state law. Students are expected to know and abide by state law and by University rules and regulations governing the use and consumption of alcoholic beverages on campus. Students are referred to Board of Regents policy and campus guidelines regulating the use and consumption of alcoholic beverages on campus.
2. Drugs: Students are not permitted to be under the influence of, possess, manufacture, distribute, or sell illicit drugs, as prohibited by state law, at University sponsored or approved events, on University property or in buildings used by the University for its educational or recreational programs. University knowledge of possession or use of illegal drugs on campus may subject the students involved to investigation.

F. Violation of Residence Hall Regulations

Violation of residence hall regulations, where the violation also involves some aspect of this disciplinary code, may subject the student to disciplinary procedures under this code.

G. Off-Campus Behavior

A student's off-campus behavior must comply with applicable federal and state laws. Off-campus behavior shall not be subject to the University's disciplinary procedures unless such behavior indicates that the student represents a danger to the health or safety of members of the University community.

In addition, off-campus behavior that is violative of professional standards of conduct which are an integral part of a professional discipline may be subject to formal hearing procedures and sanctions. Academic or professional programs that require students to abide by such professional standards shall secure the endorsement of the appropriate Chancellor and shall clearly set forth this requirement to all affected students. Off-campus behavior charged as violative of such standards shall be adjudged pursuant to hearing procedures to be established by the program and approved by the appropriate Chancellor. The hearing process afforded any student so charged must be consistent with the procedural requirements provided herein.

H. Academic Dishonesty

Because the University is an academic community with high professional standards, its teaching, research and service purposes are seriously disrupted and subverted by academic dishonesty. Such dishonesty includes cheating and plagiarism as defined below. Ignorance of these definitions will not provide an excuse for acts of academic dishonesty.

1. Cheating includes but is not limited to giving or receiving unauthorized assistance during an examination; obtaining unauthorized information about an examination before it is given; using inappropriate or unallowable sources of information during an examination; falsifying data in experiments and other research; altering the record of any grade; altering answers after an examination has been submitted; falsifying any official University record; or misrepresenting the facts in order to obtain exemptions from course requirements.
2. Plagiarism includes but is not limited to submitting, in fulfillment of an academic requirement, any document that has been copied in whole or in part from another individual's work without attributing that borrowed portion to the individual; neglecting to identify as a quotation another's idea and particular phrasing that was not assimilated into the student's language and style or paraphrasing a passage so that the reader is misled as to the source; submitting the same written or oral material in more than one course without obtaining authorization from the instructors involved; or drylabbing, which includes obtaining and using experimental data and laboratory write-ups from other sections of the course or from previous terms, or fabricating data to fit the desired or expected results.
3. In cases of suspected or admitted academic dishonesty, the instructor shall attempt to discuss the matter with the student. If appropriate, the instructor may bring it to the attention of the departmental chairperson and the student's

advisor. Additionally, an instructor may refer such case of academic dishonesty to the Director of Student Services for action under this code. In cases where the student admits that an act of academic dishonesty was committed, the instructor may, within the context of the course require the student to re-do the assignment, give the student a failing or reduced grade for the assignment, or give a failing or reduced grade for the course. If the student contests his or her liability, the instructor may not take action against the student but must refer the case to the Director of Student Services for hearing and disposition under this code. The Director of Student Services may pursue such matters as disciplinary actions under this code if after a preliminary investigation, it is his/her determination that probable cause exists to establish that acts of academic dishonesty took place.

I. Violation of Other Existing University Regulations

Violations of other existing University regulations or policies may subject the affected student to disciplinary actions under this code. The decision as to whether such action will be initiated will be made by the Director of Student Services after a preliminary investigation and after a determination as to whether probable cause exists to establish that there was a repeated or serious violation of University regulations or policies.

III. SANCTIONS

One or more of the following sanctions may be imposed as hereinafter provided whenever a student is found to have violated any of the rules contained in this code:

A. Warning

Written or verbal notice to the student that continuation or repetition of specified conduct may be cause for other disciplinary action. This sanction may be imposed by the Chancellor after a Conduct Committee hearing or it may be imposed by the Director of Student Services as part of the administrative disposition of any case.

B. Probation

A written notice placing the student on disciplinary probation for a specified period of time. The terms of the probation will be decided in each case. This sanction may be imposed by the Chancellor after a Conduct Committee hearing or it may be imposed by the Director of Student Services as part of the administrative disposition of any case. If a student, while on disciplinary probation and after a hearing, is found guilty of further violating this code, the student will be subject to further disciplinary action.

C. Restitution

Reimbursement for damage to or misappropriation of property which may take the form of direct financial compensation, of service, or other forms of indirect compensation. This sanction may only be imposed by the Chancellor after a Conduct Committee hearing.

D. Temporary Suspension

In an emergency, the Chancellor is authorized to suspend a student prior to a hearing; provided that a hearing pursuant to these rules is conducted within a reasonable period thereafter. An emergency will include such situations as when the student poses a danger of inflicting bodily harm on himself or others, of inflicting serious emotional distress on others, or creating a substantial disruption of normal campus activities including classroom instruction.

E. Suspension

Exclusion from classes and from other privileges or activities or from the campus itself, for a specified period of time. This sanction may only be imposed by the Chancellor after a Conduct Committee hearing.

F. Expulsion

Termination of student status for an indefinite period. This sanction may only be imposed by the Chancellor after a Conduct Committee hearing. Conditions for readmission, if any, shall be stated in the notice of expulsion. The Director of Student Services will determine if the conditions for readmission have been met.

G. Rescission of Grades or Degree

The cancellation of grades or the revocation of an awarded degree as the result of academic dishonesty or the discovery of a material misrepresentation relating to the completion of course or degree requirements. This sanction may only be imposed by the Chancellor after a Conduct Committee hearing.

IV. DISCIPLINARY PROCEDURES

The following procedures are designed to afford certain procedural protections to any student alleged to have committed an infraction of the student conduct code warranting disciplinary action. The procedures described herein shall not affect other non-disciplinary student matters.

For the purposes of these procedures, the term Director of Student Services shall mean the Director or the Director's designated representative.

A. Temporary Suspension in Emergency Situations

In an emergency, the Chancellor is authorized to suspend a student prior to a hearing; provided that a hearing pursuant to these rules is conducted within a reasonable period thereafter. An emergency will include such situations as when the student poses a danger of inflicting bodily harm on himself or others, of inflicting serious emotional distress on others, or creating a substantial disruption of normal campus activities including classroom instruction. If, after a Conduct Committee hearing, it is determined that the student did not violate this Conduct Code, consideration will be granted so that the student may be allowed to make up any missed academic work.

B. Pre-Disciplinary Hearing Stage

1. Reporting of infractions

Infractions of this Student Conduct Code should be reported to the Director of Student Services. Reports of infractions must be submitted in writing and signed by the complainant. No matter except temporary suspensions in emergency situations will proceed without such written reports.

2. Preliminary investigation

Upon receiving a written report that a student has allegedly committed a violation of the Student Conduct Code, the Director of Student Services shall promptly initiate an investigation. Within five school days of receiving a written report, the Director of Student Services shall contact the student or group named in the complaint, and request that they appear before the Director to discuss the alleged misconduct and possible charges. The student should be informed that he or she is under no obligation at any time to admit that the complaint is true or to make any other statement to any member of the University community, including the Director of Student Services, relevant to the complaint. The Director should not promise that any statement made by the student will be held in confidence.

D. Initiation of Charges and Their Disposition

If the Director of Student Services determines that there is reasonable cause to believe that the student or students committed the violation and in his or her judgment the initiation of formal disciplinary procedures is appropriate, the accused student or group will be notified by the Director of Student Services that they have been accused of violating this Student Conduct Code. Charges may be disposed of in the following ways:

1. Administrative disposition

The Director of Student Services, after investigating the charges shall have the authority, when accepted by the student in writing, to settle matters in lieu of proceeding with a formal disciplinary hearing. In this instance, the Director of Student Services may impose only the sanctions of warning or probation. A student shall have five school days within which to accept or reject in writing any proposed administrative disposition. Where the settlement proposed by the Director of Student Services is rejected by the student in writing, the Director may request a hearing before the Committee. If a student fails to make any response in writing to a proposed administrative disposition within five school days, it will be assumed that the student has rejected the proposed administrative disposition and the Director of Student Services may refer the case to the Student Conduct Committee.

2. Student conduct committee disposition

Failing to secure an administrative disposition of any alleged violation of this Code, the Director of Student Services may refer the case to the Student Conduct Committee for a hearing. The Director of Student Services may also refer cases to the Student Conduct Committee without first offering an administrative disposition. Moreover, any violation of this code that may result in the imposition of the sanction of restitution, suspension, expulsion, or rescission of grades or degree, must be heard by the Student Conduct Committee.

- a. Student Conduct Committee hearings will usually not be available during the last two weeks of each semester (study period and finals week) nor during the summer. During these periods, a hearing before an administrator may be conducted for students accused of violating the conduct code or special Committee hearings may be arranged.

E. Student Conduct Committee

There shall be a Student Conduct Committee. It shall have jurisdiction and authority to determine cause and recommend sanctions for all cases referred to it by the Director of Student Services involving behavior which is alleged to be violative of this Student Conduct Code.

- 1. The Student Conduct Committee shall consist of six voting members and shall be constituted as follows:
 - a. Two undergraduate students and one graduate student.

- b. Two faculty members.
- c. One staff member from the Office of Student Affairs.
- 2. The Chancellor shall select a chairperson, who shall be a non-voting member of the Committee except in the case of a tie vote. Additionally, a tape recorder shall be made available to the committee by the Director of Student Services.
- 3. Four members of the Student Conduct Committee shall constitute a quorum.
- 4. If any member of the Committee feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the committee member shall disqualify him/herself. This does not relieve the Student Conduct Committee of maintaining a quorum, thus, it may be necessary to supplement the membership of the committee.

F. Disciplinary Hearing Stage

1. Notice

A student shall be given written notice of a hearing by registered or certified mail with return receipt requested, at least fifteen calendar days prior to the date of the hearing. If service by registered or certified mail is not made because of the refusal to accept service or if the Director of Student Services has been unable to ascertain the address of the student after reasonable and diligent efforts, a hearing notice may be given to the student by publication at least once in each of two successive weeks in a newspaper of general circulation. Published notices shall include the date, time, place and nature of the hearing and shall invite the student to contact the Director of Student Services regarding the charges and other relevant issues and facts. The last such published notice shall appear at least fifteen calendar days prior to the date of the hearing.

- a. Except in the case of published notices, the notice of a hearing shall include a statement of the following:
 - 1) The date, time, place and nature of the hearing.
 - 2) The committee under which the hearing is to be held.
 - 3) The particular sections of this Student Conduct Code involved.

- 4) An explicit statement in plain language of the issues involved and the facts alleged in support of the charges; provided that if the Committee is unable to present such issues and facts in detail at the time the notice is served, initial notice may be limited to a statement of the issues involved with more detailed statements to be provided at a later date but prior to the hearing.
- 5) The fact that the student is entitled to retain counsel or an advisor, at his or her expense, or that the student may appear on his or her own behalf, at any meeting or hearing relevant to the complaint.
- 6) That the student has the right to inspect, before any hearing, any affidavits or exhibits to be introduced at the hearing.

2. Hearing procedures

Hearings held pursuant to this code shall be conducted in such a manner as to assure equity for all parties. Having determined through a preliminary investigation that there is reasonable cause to believe that the student has committed a violation of this Student Conduct Code, the Director of Student Services or his/her representative shall present the case against the student.

- a. The student and his/her counsel and the Director of Student Services or his/her representative shall be afforded the opportunity to present evidence and argument on all issues involved.
- b. Any procedure in a disciplinary hearing may be modified or waived by mutual agreement between the student and the Director or his/her representative subject to the approval of the Committee.
- c. The following process shall apply in all hearings before the Student Conduct Committee:
 - 1) Unless otherwise determined by the Student Conduct Committee, testimony shall be submitted in the following order: testimony submitted in support of the charges, testimony submitted by the accused, rebuttal testimony in support of the charges, rebuttal testimony submitted by the accused, and closing arguments.
 - 2) Any oral or documentary evidence may be presented, but the committee shall exclude irrelevant, immaterial or repetitious evidence. The committee shall honor the rules of privilege recognized by law.

- 3) Documentary evidence may be presented in the form of copies or excerpts, if the original is not readily available, provided that the student and the Director or his/her representative may compare the copy with the original.
 - 4) No testimony shall be received by the Committee when the opposing party has not been afforded the right of confrontation and a reasonable opportunity for cross-examination.
 - 5) Members of the Committee are entitled to ask questions of any participant in the hearing. The student or the student's counsel, and the Director or his/her representative are entitled to ask questions of the Committee.
 - 6) The University shall have the burden of proof, including the burden of producing evidence as well as the burden of argument. Proof of guilt shall be established when confirmed by a preponderance of the evidence.
- d. Both the student and the Director or his/her representative are expected to be present at the hearing. If the student is not present at the hearing, the committee will proceed to conduct the hearing if its members are satisfied that the student has been given notice of the hearing as provided for in this code. In the absence of the student, the committee will hear the evidence, consider the facts and render a judgment.
 - e. All hearings will be closed unless the student requests that the hearings be open.
 - f. In hearings involving more than one student in which one or more of them shall request a separate hearing, a severance shall be allowed upon request.
 - g. The committee may adopt any further rules or make any further regulations necessary for a fair and impartial hearing that are not inconsistent with the provisions of this code.

3. Records

For the purpose of determining committee findings and recommendations, a record of all hearings shall be maintained.

- a. The record shall include the following:
 - 1) All pleadings, motions and intermediate rulings;
 - 2) All evidence received or considered, including oral testimony, exhibits, and a statement of all matters officially noticed;
 - 3) Offers of proof and rulings thereon;
 - 4) Proposed findings and exceptions; and
 - 5) The report of the Committee chairperson.
- b. The Committee may preserve a record of its hearings through taped recordings.
- c. It shall not be necessary to transcribe any taped record unless requested for purposes of rehearing or judicial review. The cost of such transcription shall be paid by the party requesting or appealing to a court.

4. Committee findings and recommendations

After hearing a case, the Committee will decide if the University has reasonable cause to take disciplinary action against the student. No matters outside the record shall be considered by the Committee in making its determination. Accordingly, the Committee may decide as follows:

- a. No cause for disciplinary action: No violation of this conduct code has been proven. In this case no sanction may be taken against the student.
- b. Cause for disciplinary action: A violation of the conduct code has been proven. In this case the conduct committee may recommend one or more of the sanctions provided for in this code including: warning, probation, restitution, suspension, expulsion, and rescission of grades or degree.

Within ten school days after the hearing, the Committee shall transmit their findings, decision as to cause and recommendations in writing to the Chancellor. Simultaneously, a certified copy of the Committee's findings, and decision as to cause and recommendations shall be delivered or posted by registered or certified mail with return receipt requested to the student's last known address.

- a. The Committee's decision as to cause shall be in writing and shall be accompanied by separate findings of fact.

- b. If the student has filed proposed findings of fact, the Committee shall rule on each proposed finding in its final decision as to cause.

G. Review by the Chancellor

No Committee determination adverse to a student shall be finalized by the Chancellor until the student has been afforded an opportunity to request that the Chancellor review the Committee's findings, decision as to cause, and recommendations.

1. This review does not entitle the student to a full rehearing of his/her case. Such review shall be requested in writing.
2. The student shall have five school days after the receipt of the Committee's findings, decision as to cause and recommendations to request in writing a review by the Chancellor. The request should be sent by registered mail to the Office of the Chancellor.
3. The review by the Chancellor upon request, except in cases of newly discovered evidence, shall be confined to the record.
4. Upon request, the Chancellor shall limit the review of the Committee's findings, decision as to cause and recommendations to the following four issues:
 - a. Did the Committee follow the procedures contained in this code?
 - b. Was the Committee hearing conducted in such a way as to provide the student an adequate opportunity to present his or her defense?
 - c. Did the evidence presented at the hearing satisfy the requisite burden of proof?
 - d. Is the sanction reasonable in relation to the gravity of the violation?

H. Final Decision and Orders by the Chancellor

Within thirty calendar days from the receipt of the Committee's findings, decision as to cause, and recommendations, the Chancellor shall notify, by certified or registered mail with return receipt requested, the student or the student's attorney of record of his/her decision regarding the sanction to be taken and any accompanying orders. The decision of the Chancellor shall be final within the University.

V. AUTHORITY OF THE CHANCELLOR

The Chancellor may take appropriate action with respect to situations and developments not specifically covered by the Student Conduct Code in order that the intent of the Code may be properly administered.

VI. JUDICIAL REVIEW

Any student who feels that his rights have been infringed by any final decision issued in accordance with this conduct code, may seek judicial review as provided for in law.

VII. SEVERABILITY

If any provision of these procedures is held to be illegal or unconstitutional, the remaining rules shall remain valid.

University of Hawaii at Manoa
William S. Richardson School of Law
Academic Procedures and Regulations

UNIVERSITY OF HAWAII
WILLIAM S. RICHARDSON SCHOOL OF LAW

CURRENT ACADEMIC REGULATIONS

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August 1983

UNIVERSITY OF HAWAII
WILLIAM S. RICHARDSON SCHOOL OF LAW

CURRENT ACADEMIC REGULATIONS

I. Records of Academic Performance

No oral or written disclosure of any evaluation of a current or former student's academic performance shall be made to any person not an employee of the University acting in an official capacity, without the express consent of the student or former student.

II. Requirements for the J.D. Degree (For students entering the School beginning in August 1981, or later. Students who entered prior to August 1981 should consult prior regulations.)

The following requirements must be met by students before they are entitled to the J.D. degree:

A. Full-time resident in the School for at least six academic semesters:

Full-time residence in a semester shall mean enrollment for not less than 12 semester hours which are carried and completed and for which a grade other than "I" (Incomplete), "W" (Withdrawn), "F" or "No Credit" is received, provided that 10 credit hours shall constitute full-time study for students who have received written permission from the Dean or his delegate. Such permission shall be granted only for good cause. Partial residency credit may be earned pursuant to this rule with the written permission of the Dean or his delegate on the basis of the number of hours passed over 12 (e.g., 8 hours passed = $8/12 = 2/3$ semester residency credit). In no case may a student earn more than one semester of full-time residence credit during the academic semester.

B. Eighty-nine semester credit hours earned (excluding credit hours of "F", "No Credit", "I" or "W") including a grade of "D" or better in all required courses, seminars, practicums and workshops.

C. A cumulative grade point average of:

1. 2.00 or better in all work taken after the first semester of the first year; or
2. 1.90 or better in all work taken after the first semester of the first year plus 74 credit hours of "C" (2.00) or better in work taken after the first semester of the first year.

- D. All required courses, seminars, workshops and practicums, as specified in the official Law School Catalog.
- E. In addition, a student must complete the requirements in subparagraphs A-D, above, within five years of admission to the School.

III. Special Projects

Special Projects include externships, directed study, Law Review, Moot Court Team, and Moot Court Board, as well as graduate courses, seminars, etc. taken at faculties or institutions outside the School of Law at the University of Hawaii.

No more than a combined total of 12 credits of Special Projects can be credited towards the requirements of the J.D. degree.

Students on probation cannot earn Special Projects credit during their probation period.

- A. Dual Graduate Degrees. Students properly enrolled in and pursuing our J.D. degree and another graduate degree concurrently, a dual degree program, may have, with the approval of the Dean or his designee secured in advance of earning such outside credit, up to 10 hours of credit for the successful completion of work in the other graduate degree program counted in the credit hours required for the J.D. degree.
- B. A student not pursuing a dual degree may have, with the approval of the Dean or his designee secured in advance of earning such outside credit, up to 3 hours of credit for the successful completion of graduate courses taken outside the Law School counted in the credit hours required for the J.D. degree.
- C. For advance approval under paragraphs A and B above, the Dean of his designee must be satisfied that the graduate course(s) will prove useful and relevant to the student's professional legal education or law career and that its content is of a nature to justify its substitution for courses offered in the Law School.
- D. For purposes of paragraphs A and B above, "successful completion" of the work outside of the Law School shall mean a grade of "Credit" or "C" or better. A grade of "Credit" or "C" or better shall be counted only as a "Credit" for computing the Law School cumulative grade point average.

E. Externships. A total of six hours of credit may be earned for externships, but only two hours may be earned in any one area of externship. Externships may be taken in the following areas:

1. Private sector: 2 hours per semester, not to exceed a total of 2 hours.
2. Public sector: 2 hours per semester, not to exceed a total of 2 hours.
3. Judicial sector: 2 hours per semester, not to exceed a total of 2 hours.

Exceptions to the 2-hour limit rule may be granted by the Clinical Director, in consultation with the Associate Dean, for externships in either the public sector or the judicial sector for positions that are deemed to provide exceptional and unique educational experiences. In these exceptional circumstances, a second semester of 2-hours of credit may be earned.

No exceptions will be granted for externships in the private sector.

Pacific Island externships are a special category of externships to which the six credit unit does not apply. A student may receive up to 14 credits and a full residency semester for work during the regular academic year in a Pacific Island country.

Only one externship will be permitted in any one semester. Students on probation may not elect externships.

Note: Subject to the requirements of the ABA and the School of Law that a "full-time student" devote "substantially all of his working hours to the study of law," requirements A-D would not preclude any student from spending additional hours clerking for a firm, agency, or judge.

F. Directed Study. Members of the full-time faculty shall be permitted to supervise up to three students each semester working on Directed Study, Law 576V, and either to give normal grades for these projects or to award credit/no credit. Such projects shall be limited to no more than three credits unless the faculty member supervising the projects, on written petition setting forth the reasons, secures approval from the faculty to award more credit prior to the beginning of the semester in which the project is to be undertaken. A decision whether the project shall receive a normal grade or credit/no credit shall be made by the supervising faculty member and entered into the student's record no later than the end of the regular registration period for the semester in which the project will be undertaken.

IV. Grades

- A. Subject to paragraph C, below, students will be graded in all academic work carried for credit in accordance with the following system:

<u>GRADES</u>	<u>GRADE POINTS</u>
A - Excellent	4
B - Good	3
C - Satisfactory	2
D - Low Pass	1
F - No Credit	0
I - Incomplete	

Provided, however, in the work taken in the first semester of the first year:

1. No grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the Law School acting in an official capacity.
 2. Except as provided in Section V C, the grade in such work shall not be used in determining a student's cumulative average for the purpose of Section V and Section II C.
 3. The term "Credit" shall indicate a performance of "D" (1.00) or better.
- B. Grading norms for large classes are set out below to afford each instructor a guide to institutional expectation while at the same time permitting sufficient flexibility to allow for instructor variations and for variations in student performance in different courses. The norms are not mandatory but in the event of departure from the stated range the instructor will be expected to justify the departure on inquiry of the Dean or faculty. The norms are applicable to course, but not seminar, grades.

<u>GRADES</u>		<u>RANGE</u>
A - Excellent	(4)	5 - 15%
B - Good	(3)	25 - 45%
C - Satisfactory	(2)	40 - 65%
D - Low Pass	(1)	0 - 20%
F - No Credit	(0)	0 - 10%

C. Students will be graded in Special Projects provided for under III, above, as well as in courses in the prescribed curriculum which are graded on a credit/no credit basis, in accordance with the following system:

1. Graduate courses and seminars offered outside the Law School shall be graded on the basis of "Credit/No Credit". The "Credit" shall indicate a performance of "C" or better. Such graduate courses shall receive the grade of "Credit" if the department, school or college grading the course or seminar determines that the student has earned a "C" or better, or the equivalent according to department, school or college criteria applied to all students taking such graduate course or seminar.
2. Unless otherwise agreed to and approved by the faculty or a duly designated Law School Committee in advance, an approved externship shall be graded on the basis of "Credit/No Credit". The term "Credit" shall indicate a performance of "C" or better.
3. Directed Study shall be graded as provided for in III F, above.
4. With the permission of the faculty secured by the instructor in advance of the commencement of the semester in which the course is offered, for good cause, a course, seminar or workshop offered within the prescribed curriculum may be graded on the basis of "Credit" or "No Credit". The term "Credit" shall indicate a performance of "C" or better.
5. Each Law student who enters this School in August 1981, or later, may elect to take up to six semester hours (during the entire period of residency) of electives (that are normally graded) on a "Credit/No Credit" basis. "Credit" will be given to those students earning an equivalent of a "C" or better. "No Credit" will be given to those students earning the equivalent of a "D" or "F". No grade will be included in a student's grade point average when the "Credit/No Credit" option is elected. If "No Credit" is received by the student, the class will not count towards the credits needed for graduation. Students selecting this option may do so by the end of the add period for classes.

D. "No Credit" grades shall not count toward residency requirements and shall not count in the credit hours required for graduation.

- E. A faculty member has broad discretion to determine the factors (including but not limited to answers to examination, assigned written or oral work, class participation and special projects) to be considered in evaluating student performance, and in determining what weights are assigned to such factors in determining grades. Factors which do not bear reasonable relationship or relevance to the course's educational objectives, or which are not reasonably necessary or useful to achieve such objectives, should not be considered.

If an instructor intends to consider factors in addition to or substitution for a final written examination, he or she shall notify the students in the course of the factors to be considered and the relative weight to be assigned to such factors before the end of the first week of classes for that course in the semester in which the grade will be awarded and shall submit at that time to the administration in writing, the factors and relative weights to be assigned to such factors in determining grades for that course.

V. Eligibility to Continue in Residence

- A. Students shall not be eligible to continue in residence beyond the end of any semester (except the initial semester of their first year) after which the student's cumulative average falls below 1.60.
- B. A student who is eligible to continue in residence but whose cumulative average at the end of any semester but the initial semester of their first year is less than 2.00 but greater than 1.60 shall be allowed to continue in residence but he or she shall be on probation. Unless such student maintains a 2.00 average on all work taken the next semester, during which he or she is on probation, he or she shall be ineligible to continue beyond the end of such semester.
- C. A student's cumulative average at the end of the first year, for purposes of paragraphs A and B, above, shall be the cumulative average for the entire year or the cumulative average for the second semester of the first year, whichever is the higher. Thereafter a student's grades in the first semester of the first year shall not be considered in determining a student's cumulative average.
- D. In computing a student's cumulative average at the end of any semester for purposes of paragraphs A, B and C, above, ("I's") Incompletes shall not be considered unless a grade be substituted therefor within three weeks after the end of the final examination period for the semester in question.

- E. Notwithstanding the foregoing, a student shall not be eligible to continue in residence if the student's GPA for the first semester of the first year falls below 1.00. The Legal Method Seminar grade shall not be included in the GPA for purposes of this paragraph.
- F. A student on probation may not stand for election or appointment to or continue to serve on a regular standing Law School or University committee.
- G. A student on probation may not earn academic credit for any Special Project as described in III, above.
- H. A student on probation shall not be eligible for client representation clinical programs which require certification as students in good standing under Hawaii Court Rules, e.g. Litigation Workshop.

VI. Passing Certain Required Seminars and Workshops; Re-enrollment in Courses Once Taken

A. Required Courses, Seminars and Workshops

Students must earn a grade of "D" or better in all required courses, seminars, practicums and workshops. For the purposes of applying this rule, the average grade earned in the sequential courses required to be taken in the first year (Contracts I & II, Civil Procedure I & II, and Torts I & II) will determine whether a student has earned a grade of "D" or better. If a student shall fail to complete any such required work or shall receive a grade of "F" therein, arrangements may be made with the instructor for opportunity to remedy the default or "F" through repeating said work or by performing such other tasks as are determined by the instructor. In such case, such work shall be completed or submitted at such time as the instructor shall determine but in no event later than twenty-one (21) days after the last regularly scheduled examination at the end of the applicable semester. If the default is not remedied or the "F" removed within said time period, the student shall once retake said required seminar, practicum or workshop when next offered. Failure to earn a grade of "D" or better after retaking such required course, seminar, practicum or workshop shall render the student ineligible to continue in residency or to graduate.

B. Re-enrollment in Courses Once Taken

A student otherwise eligible to continue in residency may once re-enroll in any course in which he or she obtained the grade of "F" or "D".

1. If a student receives a grade of "D" after retaking such course, the grade "D" shall be entered on the student's records with the indication that that said grade was attained on re-enrollment and 1.00 shall be entered into the cumulative average.

If a student receives a grade of "C" or better after retaking such course, the grade earned shall be entered on the student's record with the indication that said grade was attained on re-enrollment, but, irrespective of the grade earned, 2.00 shall be entered into the cumulative average. In either case, the original grade shall remain on the student's record but shall not thereafter be used in computing said student's cumulative average for purposes of Parts II or V of these regulations.

2. If a student obtains a grade of less than "D" upon re-enrollment, no credit shall be given for such work; such grade shall be entered on the student's records, but shall not be used in computing the student's cumulative average for purposes of Parts II or V of these regulations; and the original grade shall remain on the record and as part of the cumulative average.
3. If the course in which a student re-enrolls under this rule is one which was first taken in the first semester of the first year, the grade earned after re-enrollment shall not be used in computing said student's cumulative average. Except for such courses, the grade earned after re-enrollment may be included in computing the total number of hours of "C" or better pursuant to II C, above.

VII. Due Date for Written Work

In all work in which the grade depends in whole or in part upon a written paper or papers, the paper(s) must be presented to the instructor on or before the final day of the examination period for the semester in which the work is taken, or at such earlier time as is required by the instructor. Extension of time may be granted at the instructor's discretion upon adequate cause shown, if any extension is arranged for prior to the due date. An instructor will not be required to accept a paper for credit in any case of failure to comply with this provision.

VIII. Auditing

Auditing is permitted with the permission of the professor. Second- and third-year students may register to audit courses. Audited courses do not appear on transcripts and do not count towards graduation requirements.

IX. Readmission

A student who for academic reasons is ineligible to continue in residence may petition the Law School Petitions Committee in writing for a waiver of the rules applicable to his or her case. The Petitions Committee will evaluate such petitions in accordance with the academic standards governing the Law School and will act favorably on such petitions only if the petitioner can demonstrate that he or she was subject to extraordinary circumstances and that the petitioner has a strong likelihood of completing the Law School program and becoming a competent attorney. It is understood in this procedure that the overwhelming majority of such petitions will be denied.

Favorable action by the Petitions Committee will constitute a final decision on the petition. Unfavorable action may be appealed to the full faculty by the petitioner. Under such circumstances, the full faculty will have the authority to review the decision and make a de novo determination.

A petitioner has the right to appear in person before the Petitions Committee and may bring an associate to assist in the advocacy of the petition. If an unfavorable decision by the Petitions Committee is appealed to the full faculty, the petitioner may appear (with an associate advocate) at the discretion of the full faculty.

Petitions to the Petitions Committee must be submitted in writing through the Associate Dean. To be considered for readmission, the petitioner must submit the petition at least two calendar weeks prior to the beginning of the semester in which readmission is sought.

X. Examinations

- A. A student who is enrolled in a course in which an examination or examinations are given will be required to take said examination(s) at its or their regularly scheduled time. Failure to hand in an examination paper will result in the award of an "F" grade for courses taken for a grade or in the award of "No Credit" for courses taken on a "Credit/No Credit" basis.

Exceptions to this provision may be granted only in the case of illness, accident or other such cause by prior arrangement with the Dean or his designee.

- B. Final examinations will be graded anonymously. The system whereby this is done will be designed by the administration and from time to time reviewed by the faculty.

XI. Procedures for Review of Final Grades

- A. Each instructor will, on request, discuss the final grade assigned to the work of any student in the instructor's course, seminar, or practicum.
- B. If, after the review provided in paragraph A, above, the student believes that his or her grade was the product of an abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness, the student may submit his or her allegations to the Dean, in writing, along with a description of any and all evidence which sustains the student's burden of proving such allegations.
- C. Upon receipt of the allegations of abuse or discretion, as provided in paragraph B, above, the Dean shall attempt to investigate the grievance and resolve it by conciliation. In conducting his or her investigation (s)he may utilize such faculty assistance as (s)he deems appropriate.
- D. If conciliation, as provided above, fails, and if the Dean finds probable cause to believe that the final grade is the product of arbitrariness, bias or other serious unfairness, he will convene the faculty to conduct an investigation according to procedures which are appropriate to the nature and complexity of the allegations. Such procedures shall afford due process to both the student and instructor and shall conform to applicable University rules and regulations.
- E. If conciliation, as provided above in paragraph C, fails, and if the Dean does not find probable cause to believe that the final grade is the product of arbitrariness, bias, or other serious unfairness, he shall report the findings of his investigation and the results of his efforts at conciliation, along with the charges, to the faculty which may, on its own motion, conduct an investigation as set forth in paragraph D, above.
- F. After formal investigation, the faculty shall submit its findings and recommendations, in writing, to the Dean.
- G. The Dean shall, after receipt of findings and recommendations of the faculty made pursuant to the hearing conducted under paragraphs D or E, above, take whatever corrective action is necessary, if any, in conformity with such findings and recommendations and shall promptly report his or her action to the grievant and the faculty.
- H. Nothing in this rule shall preclude any aggrieved student from utilizing other procedures provided by University rules and regulations.

XII. Plagiarism

- For purposes of this rule, "plagiarism" is the presentation of the work or ideas of another as one's own, without specific acknowledgment of source and enclosure in quotation marks where appropriate. In cases of plagiarisms contained in any work submitted for credit, the faculty may impose such sanction as it deems appropriate up to and including permanent suspension.

Prior to the determination by the faculty of the commission of the offense of plagiarism, the student shall be given the opportunity of a hearing before the faculty and be permitted to offer evidence or explanation. The student may, if he or she wishes, be permitted the advice and presence of counsel of choice at such hearing but at his or her own expense.

The Community Standards of the University adopted by the Board of Regents on March 25, 1969, as from time to time amended, are adopted by reference and shall control to the extent the rule herein is inconsistent with said standards.

XIII. Transfer Credits

For the purpose of paragraph II, subparagraphs A and B, credit may be granted for work done outside the Law School in other accredited law schools subject to prior approval of the Associate Dean.

XIV. Miscellaneous

A. Part-time employment.

The Law School curriculum and schedule have been planned to engage law students in the study of law on a full-time basis. A "full-time student" is one who devotes substantially all of his or her working hours to the study of law. Pre-admission and first-year students should not take part-time employment. Outside employment or other activities may seriously lower the educational value of the Law School program.

In certain circumstances, second- and third-year students who have strong academic records may find part-time employment compatible with their legal studies, e.g., by clerking at a law firm. In no event should this exceed approximately 15 hours weekly.

Students are reminded that academic standards of the School of Law are not altered to take into account demands imposed by outside employment.

The Law School's Student Placement Office provides information about part-time legal work and the University maintains information about other jobs.

B. Requirements of regular and punctual attendance.

"Full-time study shall mean registration for a minimum of 12 credit hours of study per semester, plus regular and punctual attendance at scheduled class meetings. The latter requirement is based on the premise that the instructional program can only realize its full potential with active participation by all members of the Law School community."

"Subject to limitations imposed by accrediting institutions of the University of Hawaii, the faculty may permit exceptions to certain of the above requirements in individual cases for reason of illness, family emergency, and the like."

C. Dismissal, rule violations.

"Upon due notice and a fair hearing consistent with law and University regulations, the faculty may dismiss from Law School any student who engages in conduct which violates applicable rules of law or University regulations, including those of the Law School."

XV. Application and Amendment of Regulations

These regulations shall apply for the academic year 1973-74 and thereafter. Amendments to these regulations may be adopted by the faculty from time to time and shall be binding at its discretion on all students from the date of adoption; provided, however, that no such amendment shall apply to the prejudice of any student enrolled in the School at the time of adoption as to credit and cumulative average requirements for graduation.

ACADEMIC REGULATIONS
FOR THE UNIVERSITY OF HAWAII
PRE-ADMISSION TO LAW SCHOOL PROGRAM
(Revised June, 1980)

The Academic Regulations of the University of Hawaii School of Law dated effective 08-01-78 and any amendments officially adopted by the faculty of the University of Hawaii School of Law thereafter are the academic regulations of the University of Hawaii Pre-Admission to Law School Program. In addition, the academic regulations for the Pre-Admission Program are as the faculty of the University of Hawaii School of Law may from time to time adopt or amend specifically for the Pre-Admission Program and shall be binding at its discretion on all students in the Pre-Admission Program from the date of adoption. Any conflict between the academic regulations for the University of Hawaii School of Law generally, and provisions adopted specifically for the Pre-Admission Program shall be resolved by having the provisions specifically adopted for the Pre-Admission Program control.

Provisions adopted by the faculty of the University of Hawaii School of Law specifically for the Pre-Admission Program are:

I. Requirements for Admission to the University of Hawaii School of Law

A. Required Courses

1. Regular First-Year Courses. Each Pre-Admission student shall enroll in the following regular first-year courses in the fall semester:

Law 506: Legal Research - 1 cr.
Law 509: Contracts I - 3 cr.
Law 516: Civil Procedure I - 2 cr.

Each Pre-Admission student shall enroll in the following regular first-year courses in the spring semester:

Law 510: Contracts II - 3 cr.
Law 517: Civil Procedure II - 4 cr.

2. Pre-Admission Seminar. Each Pre-Admission student shall also enroll in Law 501-502 (Pre-Admission Seminar - 4 cr.) in each semester.
3. Tutorials. In addition, each Pre-Admission student shall enroll in Law 516L (Civil Procedure Tutorial - 1 cr.) and Law 509L (Contracts Tutorial - 1 cr.) during the fall semester, and Law 517L (Civil Procedure Tutorial - 1 cr.) and Law 510L (Contracts Tutorial - 1 cr.) during the spring semester.

B. Grading

1. Pre-Admission students will be tested and graded with regular first-year students, and on the same basis, in the first-year courses in which they are enrolled.
2. The Pre-Admission Seminar and the Tutorials shall be graded "Credit" or "No Credit". "Credit" shall be awarded to students who:
 - a. Regularly and punctually attend Pre-Admission Seminar and Tutorial meetings. Absences shall not exceed a total of three per semester. Additional absences may be permitted by the Associate Dean, but only for reasons of compelling health or other personal emergencies;
 - b. Substantially comply with all requirements, assignments, re-assignments, and deadlines therefor established by the Seminar Leader and the Tutorial Leader.
3. A Pre-Admission student may not take an "I" (Incomplete) in any course or seminar. A grade of "F" shall be entered in the event a student refuses to take an examination or fails to meet the requirements of B.2., above.

C. Standards for Continuing in Residency and Admission to the School of Law

1. Pre-Admission students must achieve a GPA of 1.00 or better in all course work (excluding the Pre-Admission Seminar) taken in the first semester and must receive "Credit" for the Pre-Admission Seminar in order to be admitted to the second semester.
2. A student who achieves a "Credit" in the Pre-Admission Seminar and a GPA of 2.60 or better in the first semester of his or her Pre-Admission year shall be admitted to the School of Law in the second semester.
3. A student who receives credit for the Pre-Admission Seminar and the Tutorials in both semesters, and who:
 - a. Receives a GPA of 2.00 or better for all course work taken in the second semester, or
 - b. Receives a cumulative GPA of 2.00 or better for all course work taken in the first and second semestersshall be admitted to the School of Law.

4. A student who receives credit for the Pre-Admission Seminar and the Tutorials in both semesters, and who:
 - a. Receives a GPA between 1.60 and 1.99 for all course work taken in the second semester, or
 - b. Receives a cumulative GPA between 1.60 and 1.99 for all course work taken in the first and second semestersshall be admitted to the School of Law on probation.
5. A student who fails to receive a "Credit" for the Pre-Admission Seminar in the second semester or who:
 - a. Receives a GPA of less than 1.60 for all work taken in the second semester, and
 - b. Receives a cumulative GPA of less than 1.60 for all course work taken in the first and second semestersshall not be admitted to the School of Law.
6. For Pre-Admission students, the only "blind" semesters (where grades are recorded on a "Credit/No Credit" basis) are those semesters while the student is a Pre-Admission student. If a student matriculates into the regular program (by virtue of obtaining 2.60 average) after one semester, then only that first semester will be "Credit/No Credit" and all others will be graded. If a student matriculates into the regular program after completing the minimums for the full Pre-Admission year, then that Pre-Admission year will be "Credit/No Credit" and all others will be graded.
7. For purposes of determining whether a former Pre-Admission student has met the minimum requirements to remain in school after the first full "regular" semester, (i.e., 2.00 to remain in good standing, 1.60 to remain on probation), the student's "cumulative average" will be either:
 - a. The cumulative average for that first full "regular" semester, or
 - b. The cumulative average for all courses taken during the first full "regular" semester plus the actual grades earned during the student's Pre-Admission semester or year,whichever is higher.

II. Admission to the School of Law

Except as provided in paragraph I.C.2., above, admission to the School of Law is valid only for the first-year class beginning in the fall semester immediately following student's Pre-Admission year.

III. Credit and Graduation Requirements

A. Students admitted to the School of Law after a single Pre-Admission semester, pursuant to paragraph I.C.2., above,

1. Shall have the six hours of regular first-year Law School courses taken during the Pre-Admission semester considered as a full first semester academic load for purposes only of paragraph V.C. of the University of Hawaii School of Law Academic Regulations. No additional Law School courses may be treated as if taken during the first semester of the first year.
2. Notwithstanding the foregoing, such student must obtain a cumulative GPA of 2.00 or better in all Law School courses taken after the Pre-Admission semester up to a total of 89 hours needed to graduate (excluding hours of "F", "No Credit", "I" or "W") including a grade of "D" or better in all required seminars, practicums and workshops.

The regular Law School courses taken and passed with a grade of "D" or better during the Pre-Admission semester shall count toward the 89 hours needed to graduate and shall be treated as "Credit" on the student's transcript. No credit for the J.D. degree will be given for a "Credit" received in a Pre-Admission Seminar or for the Tutorials.

3. A student shall enroll in all first-year courses and seminars not taken during the Pre-Admission semester except that such student may not take the second semester Legal Method Seminar immediately upon admission to the School of Law but shall begin the Legal Method Seminar sequence the following fall semester. A student may not enroll in Contracts II in the spring semester of admission to Law School unless he has received a grade of "D" or better in Contracts I during the Pre-Admission semester.
4. A student admitted to the School of Law pursuant to I.C.2., above, may take, with the consent of the Associate Dean, upper division law courses in any semester in which such student is also completing regular first-year requirements.

5. The Pre-Admission semester shall not count toward the requirement of six semesters in residence. The 5-year period within which a student must complete law studies commences with the spring semester immediately following the Pre-Admission semester.
- B. A student admitted to the School of Law pursuant to paragraph I.C.3. or I.C.4., above,
1. Must obtain a cumulative GPA of 2.00 or better in all Law School courses taken after the Pre-Admission year up to a total of 89 hours needed to graduate (excluding hours of "F", "No Credit", "I" or "W") including a grade of "D" or better in all required seminars, practicums and workshops. The regular Law School courses taken and passed with a grade of "C" or better during the Pre-Admission year shall count toward the 89 hours needed to graduate and shall be treated as "Credit" on the student's transcript. No credit for the J.D. degree will be given for a credit received in a Pre-Admission Seminar or for the Tutorials.
 2. A student shall enroll in all first-year courses and seminars not taken during the Pre-Admission year and in all courses in which the student received a "D" (1.00) or lower during the Pre-Admission year.

The grades in Civil Procedure I and II and in Contracts I and II shall be averaged for the purposes of this rule. That is, a student must receive a cumulative GPA greater than 1.00 for the six hours in each subject; otherwise, the entire subject, Parts I and II, must be repeated.

In the case of a student who must repeat a course because of a grade of "D" or "F" in the Pre-Admission year, the grade earned on repeating the course shall be the only grade included in the student's GPA thereafter for that course.

3. Pre-Admission semesters shall not count in the six semesters of residency required in the School of Law; the 5-year period within which a student must complete his or her studies commences with the first fall semester following the student's Pre-Admission year.
4. A student admitted to the School of Law pursuant to I.C.3. or I.C.4., above, may take with the consent of the Associate Dean, upper division law courses in any semester in which such student is also completing regular first-year requirements.

IV. Probation

A student admitted to the regular first-year class on probation must earn a 1.75 GPA in the first semester of the first year in order to continue in residence.

V. Records of Academic Performance

Confidentiality of a Pre-Admission student's record of academic performance shall be stated in the School of Law's Academic Regulations.

VI. Petitions for Admission

A Pre-Admission student who for academic or other reasons is ineligible for admission to the University of Hawaii School of Law may petition the Dean and faculty in writing for a waiver of the rules applicable to his or her case. Such a petition may be approved, subject to such conditions, requirements and limitations as the Dean and faculty may in their discretion consider appropriate provided the circumstances are such as to convince them that further trial is likely to result in success.